IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.19 OF 2002

IN

PETITION NO.157 OF 2000

G.V. Anji and others ...Petitioners

v/s

Ragini Narayan ...Respondent

Mr T.V. Patwardhan i/b Mr Nitin Ghaware for Petitioners.

None for Respondent.

CORAM : D.K. DESHMUKH J.

DATE : 14TH JULY 2006.

P.C. :-

1. The learned counsel appearing for petitioners himself states that the probate for revocation of which this petition has been filed stands already revoked by an order dated 27th September 2003 passed in miscellaneous petition No.83 of 2000. The learned counsel, however, states that against that order, an appeal is presently pending. The statement is accepted. It is clear from the statement made by the learned counsel appearing for petitioners today, the present miscellaneous petition cannot be decided and is infructuous because the probate for the revocation of which the present petition has been filed already stands revoked, but it is also true that the appeal is pending against that order. In my opinion, following order would meet the ends of justice.

2. Miscellaneous petition No.19 of 2003 is disposed off with liberty to the petitioners to apply for revival of that petition in case in appeal the probate for revocation of which this petition has been filed is restored by the appeal Court. No order as to costs.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.